

SCHEDULE A: Applications with Recommendation

16/0860

Item No: 03

Date of Committee: 25/11/2016

Appn Ref No:
16/0860

Applicant:
Mr & Mrs Stewart

Parish:
Rockcliffe

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location: Land North of Oakwood, Harker Park Road, Harker Park, Carlisle, CA6 4HR

Proposal: Erection Of One Dwelling , With Garage/Storage Building, Stable And Equestrian Paddocks

Date of Receipt:
29/09/2016 13:02:42

Statutory Expiry Date
24/11/2016 13:02:42

26 Week Determination

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 Subject to the updated comments from Cumbria County Council, it will be recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The impact of the proposal on the living conditions of neighbouring residents.
2.2 Highway safety.
2.3 The impact on the setting of a grade II Listed Building and/or visual amenity.

3. Application Details

The Site

- 3.1 This application relates to a vacant site at the junction of the A7 Carlisle/Longtown Road and Harker Park. The site is of low quality mixed scrub vegetation, incorporating two drainage ditches with hedging along the frontage of the A7. On the opposite side of the A7 there is Harker Lodge which is a grade II Listed Building.

Background

- 3.2 In 2016, under application 15/1052, full planning permission was given for the erection of four dwellings on the site.

The Proposal

- 3.3 The current application is seeking full planning permission for the erection of a single storey dwelling with three bedrooms in the roof-space; a detached garage/store; and three stables. The proposed dwelling, store/garage and stables are to be externally finished with dark red multi clay bricks and sandstone sills/lintels. The dwelling and garage/store are to have tiled roofs whilst the stables are shown to have profiled sheeting.
- 3.4 The application is accompanied by a Planning Statement which, amongst other things, explains that:
- The proposed garage/store will accommodate a range of horse drawn carts which are painted and highly decorated and require care in storage;
 - The carts are a hobby not a business venture;
 - The stables are to accommodate three ponies;
 - The remaining land will be used for grazing as open paddock;
 - A 5m wide access strip is retained adjacent to 2 Harker Park; and
 - The front garden will be enclosed by a low wall, the rear area will be enclosed in a gated yard.
- 3.5 The applicants agent has subsequently confirmed that:
- there is no intention of using the public road with horse and cart - the vehicles are vintage show carts and not suitable for use on the public road , they are take to and from shows by pick and trailer;
 - there is no intention of using the public road with horses and ponies - the applicants have land holdings in other areas where the bulk of their horses are kept;
 - the three stables and paddock will provide the applicants with somewhere to bring sick or fouling animals so they can be closely monitored - last year they lost a foal due to not being able to house and look after them in an open field;
 - the applicants will not be running any trade or business, and would accept a condition to that effect;
 - giant knot weed previously on the site has been addressed by the vendors of the site;
 - the stable will be bedded with sawdust which would absorb waste; and

- the stables and yard are to be built in robust Construct (concrete block), and the feed storage will be in a sealed container.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to 7 neighbouring properties. In response, 7 formal objections and an informal/verbal objection have been received, which make the following points:

Equestrian Use

- It does not seem sensible to have equine activities so close to the A7, where the speed limit is not always observed.
- That Harker Park has restraints on the type of animals which can be kept so it is not suited to provide stabling for horses.
- Concern about the effluent and food from the stables as there is a vermin problem at Harker Park.
- Where will the manure from the stables and yard be stacked and how will it be disposed?
- That the tiny paddocks would not be conducive to the welfare of the horses.
- Horses and ponies require at least one acre of pasture per animal, however they can be kept in a stable so long as they are regularly exercised. If the latter where will this exercise take place?
- Horses are unpredictable animals and as such a stable and paddock area so close to a busy main road would be dangerous and would add to the risk of a serious accident waiting to happen.
- That the land could be used for something other than a horse paddock in the future.

Highways

- Harker Park is a narrow road, and a cart trotting up and down would be dangerous, add to congestion and make driving and parking even more difficult.
- The entrance/exit to Harker Park Road from the A7 is dangerous and the adjacent bus stop makes matters worse.
- That the entrance is too narrow for modern traffic and needs widened.
- There should be no increase in the volume of traffic using this road.
- Any horse and cart accessing or exiting would be an accident to happen.
- Should there be a need for emergency vehicles it would make for more difficult access for the crews.
- That the objections relate to the published constraints in the Local Plan Policy CP8 (7) the potential impact on the road network.
- The staggered junction from the A7/Harker Park Road/Rockcliffe Road creates major problems for road users and that the site has been identified as a "black spot" by County Highways who imposed a 50 mile per hour speed restriction.

- The lay by servicing the bus stop, post box, telephone kiosk and bus shelter exacerbates problems giving poor sight lines.
- The A7 is an agreed Timber Transport Route to the Northern Bypass.

Other Matters

- Harker Park is a quiet residential cul-de-sac and the proposal is total unsuited to this road and is out of character with the area.
- There has been an infestation of Japanese Knot Weed on the site which has been recently sprayed.
- There are covenants on adjoining properties stating that no buildings erected on the land should be used for the purpose of business, trade or profession and the equestrian related buildings do not conform to what is stated on the Charges Register.
- The access and conditions of this site were discussed in the previous planning application 15/1052, the current application in its entirety should be governed by those conditions.
- The planning application states that there are no trees or hedges on the proposed development site; that is not so - there are established trees bordering the site to the A7.
- The Planning Statement states that the applicant owns the Woodland adjoining the site. Whilst the woodland is not the main subject of the planning application, its future has to be preserved. This has been a wood for at least three centuries and forms an important part of the rural landscape.
- The plans show that the surface water from roofs, drive, yard, turning area plus stable yard are to drain into the existing piped ditch next to No.2; the stable yard discharge cannot be allowed to foul this water way, farmers have to install slurry pits for their animal yard waste.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - We would have concerns with a horse grazing paddock next to the busy A7 road, with access to the plot from the A7 onto Harker Park, the U1309 adopted highway, which is a dead end road. Concerns would be for a vehicles pulling out onto the A7 and also turning in from the A7.

In the planning statement details requirements of a 5m access strip to the side of the site adjacent to No.2 Harker Park for future access to woodland they own and which also accommodates a piped ditch which requires to be maintained for surface water drainage to Harker Park. This currently has no field gate access and would see unsuitable for 3 accesses in close proximity to each other. The applicant should be made aware that any work to the piped ditch requires Ordinary Watercourse Consent and would need to apply for Consent from us here at the Lead Local Flood Authority.

Any vehicular access to/from the site as a whole would require to be at least 4.5m wide for the first 10m from the public highway.

No drainage has been identified on the "tsada plan 40/2016/1&2", or trial pit

testing carried out for the drainage system. We would recommend these be to be undertaken, we would require a copy of the results to see the drainage system would be sufficient for the area. details of design BRE Digest 365 should be submitted.

The Lead Local Flood Authority (LLFA) do not have any records of flooding on this site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk we would require more information

The Highway and Lead Local Flood Authority therefore recommends refusal of the application on the basis that inadequate information has been submitted with regard to visibility splays, off-street parking, and surface water drainage.

Updated comments awaited.

Rockcliffe Parish Council: - No comments.

Northern Gas Networks: - No objections but applicant should contact us to clarify presence of apparatus in the area.

United Utilities: - No comments received.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 At a local level, Policy HO2 ("Windfall Housing Development") states that new housing development on sites other than those allocated will be acceptable within Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and compliance with a number of criteria. There is also supplementary planning guidance in the form of the Cumbria Landscape Character Guidance and Toolkit (March 2011).
- 6.2 At a national level, material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014), the Community Infrastructure Levy Regulations 2010 (as amended), and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Due regard should also be made with regard to the requirements of the public sector equality duty in Section 149 of the Equality Act 2010.
- 6.3 Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 of the "National Planning Policy Framework" (NPPF) highlights the presumption in favour of sustainable development which is referred to as "a golden thread". For decision-taking this means

approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in this Framework indicate development should be restricted.

6.4 Paragraph 17 of the Framework identifies 12 core planning principles including planning being a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seeking to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings; taking account of the different roles and character of different areas; contribute to conserving and enhancing the natural environment; encourage the effective use of land in urban and rural areas; focusing significant development in locations which are or can be made sustainable; and deliver sufficient community and cultural facilities and services to meet local needs.

6.5 Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:

- a) to eliminate discrimination, harassment, victimisation etc;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics include age, gender, disability and race.

6.6 In the context that the site is the subject of an extant full permission for 4 dwellings, it is considered that the main issues for this application revolve around: 1) the impact on the living conditions of neighbouring residents; 2) highway safety; and 3) the impact on the setting of a grade II Listed Building (Harker Lodge) and/or visual amenity.

Living Conditions

6.7 When considering the impact on the living conditions of neighbouring residents, the submitted layout plan shows a separation distance between the existing dormer bungalow at Oak Wood and the proposed dwelling at about 31.2 metres. The equivalent distance between the nearest wall of Oakwood and the proposed garage/store/stables is approximately 10.4 metres. Based on the foregoing and with Oak Wood lying to the south of the application site, it is considered that the proposal will not be detrimental to the living conditions of the occupiers of Oak Wood in terms of losses in privacy, overshadowing or losses in daylight/sunlight.

- 6.8 When considering the impact of the proposal on the living conditions of the occupiers of 2 Harker Park the separation distance between the respective gable ends is 21.2 metres. On this basis it is considered that the proposal will not be detrimental to the living conditions of the occupiers of 2 Harker Park in terms of losses in privacy, overshadowing or losses in daylight/sunlight.
- 6.9 In the case of Drive Cottage and 1-3 Harker Park on the opposite side of the road the proposed dwelling could lead to losses in sunlight, however, this would be limited to the period during the middle of winter when the sun is at its lowest. This impact is mitigated because the proposed length of the dwelling is 15 metres set within an overall frontage of nearly 50 metres. As such, it is considered that the proposal will not cause sufficient harm to the living conditions of the occupiers of Drive Cottage and 1-3 Harker Park that merits the refusal of permission.
- 6.10 It is recognised that the proposed development will lead to greater noise and disturbance but this is also considered to be of such a level as not to merit the refusal of permission.
- 6.11 Reference has been made to the potential nuisance caused by vermin and issues associated with odour. In the case of the former, the control of vermin will be in the self-interest of the applicants. The applicants having already confirmed that they intend to make secure any feed. In the case of the latter, a condition can be imposed requiring the submission of details on how manure would be stored and disposed of.
- 6.12 Based on the foregoing, it is considered that the proposed development will not cause sufficient harm to the living conditions of existing neighbouring residents sufficient to merit the refusal of permission.

Highway Safety

- 6.13 Based on the additional information provided on behalf of the applicants, it is considered that the equine related vehicle movements associated with the proposed development should be at relatively low levels. The nature and level of use can also be controlled by the imposition of relevant conditions. Nevertheless, an updated report will be presented to Members following receipt of the awaited comments from the Highway Authority in response to the additional information from the applicants.

Setting of Listed Building/Visual Amenity

- 6.14 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising their powers in respect of listed buildings. As such, considerable importance and weight must be given to the desirability of preserving Harker Lodge and its setting when assessing this application. As well as Harker Lodge it is recognised that there are two grade II Listed Buildings further away in the form of Garden Cottage and Harker Farm.
- 6.15 Harker Lodge is a relatively substantial property the significance of which, with regard to its setting, is dependent upon the existing parkland and agricultural

land as well as the reduced scale of the neighbouring properties. In this context, it is considered that the proposal (in terms of its location/physical separation, scale/massing and intervening structures) would not be detrimental to the immediate context of Harker Lodge. These factors, to a greater degree are also pertinent with regard to Garden Cottage and Harker Farm.

- 6.16 The Cumbria Landscape Character Guidance and Toolkit (March 2011) identifies the site as falling within the Cumbria Landscape Character Sub type 5s: Urban Fringe. In this backdrop, the application site is not in an isolated location, but rather neighboured by immediate development and the A7. The current proposal will not extend the existing cluster but, rather, is physically integral and visually linked to the existing form of Harker Park. On this basis the proposal will consolidate development but that, in itself, does not necessarily mean that it would either be detrimental to the visual amenity or the character of the area.

Conclusion

- 6.17 The principle of the proposed development is acceptable. The proposal can be accommodated on the site without detriment to the character/setting of any Listed Building within the immediate vicinity or visual amenity; and it is considered not to impact on the living conditions of neighbouring residents sufficient to merit the refusal of permission. Pending the updated comments from the County Council, the application will be recommended for approval.

7. Planning History

- 7.1 Under application 15/1052 full permission was given for the erection of four dwellings together with an access road.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form received 29th September 2016;
 2. the Location and Block Plan (drawing ref 40/2016.1A) received 11th November 2016;
 3. the Floor Plans and Elevations (drawing ref 40/2016.2A) received 11th November 2016;
 4. the Planning Statement received 29th September 2016;
 5. the Notice of Decision; and

6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The stables and associated yard and paddock shall be used only for private use for the stabling of horses/ponies and storage of associated equipment and feed and shall at no time be used for any commercial purposes including for livery, stabling, equestrian tuition or leisure rides.

Reason: To safeguard the living conditions of the occupiers of the neighbouring properties.

4. The garage hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

Reason: To safeguard the living conditions of the occupiers of the neighbouring properties.

5. No more than three horses/ponies and their foals are to be kept on the site at any one time without the prior written approval of the local planning authority.

Reason: In order to prevent an over intensive use of the site and thereby safeguard the living conditions of the occupiers of the neighbouring properties.

6. Prior to the construction of the stables hereby permitted details of where and how manure is to be stored and ultimately disposed of shall be submitted to and approved in writing by the local planning authority. No horse shall be kept on the site otherwise than in accordance with the approved details.

Reason: To safeguard the living conditions of the occupiers of the neighbouring properties.

7. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the local planning authority for approval prior to the occupation of the dwelling hereby permitted and shall be maintained operational thereafter.

Reason: In the interests of highway safety and to minimise potential hazards.

8. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users.

9. Before the dwelling hereby permitted is occupied its respective off-street parking provision together with vehicular access thereto shall be provided in accordance with the approved plans. The access and parking provision shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure that the dwelling is provided with parking to the satisfaction of the local planning authority.

10. No vegetation suitable for nesting birds shall be cleared or removed during the period 1 March to 15 August in any calendar year unless a breeding bird survey of the area to be cleared or removed has been undertaken (in accordance with a scheme previously submitted to, and approved in writing by, the Local Planning Authority) and the findings of the survey satisfies the standards and/or measures set out in the approved scheme.

Reason: In order not to disturb or deter the nesting of any birds.

11. For the duration of the development works existing hedgerows to be retained shall be protected in accordance with details submitted to and approved in writing beforehand by the local planning authority. The local planning authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect hedges during development works.

12. Samples or full details of all materials to be used on the exterior of the dwelling, garage/store and stables hereby permitted shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To safeguard the character of the area.

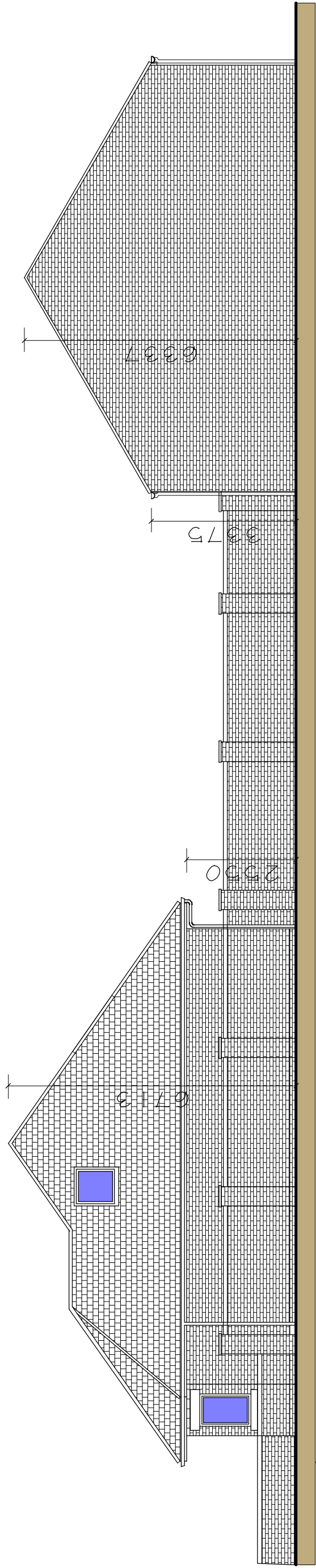
13. Details shall be submitted of the proposed hard surface finishes to all external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

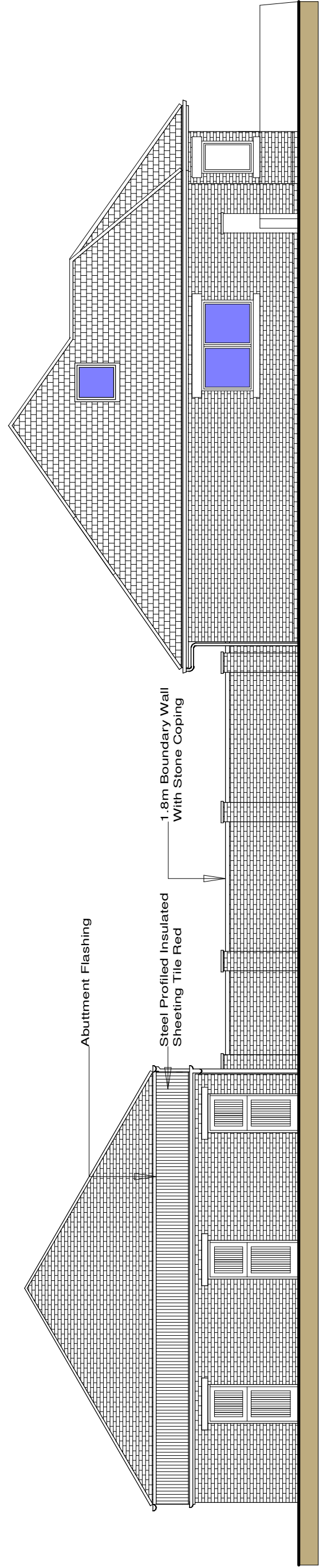
14. Notwithstanding the submitted details, and prior to the commencement of any development hereby approved, a scheme for the disposal of foul and surface water (including provision and implementation of any necessary surface water regulation systems) shall be submitted to and be approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until it is connected to the foul and surface water drainage

scheme in accordance with the approved plans and retained thereafter.

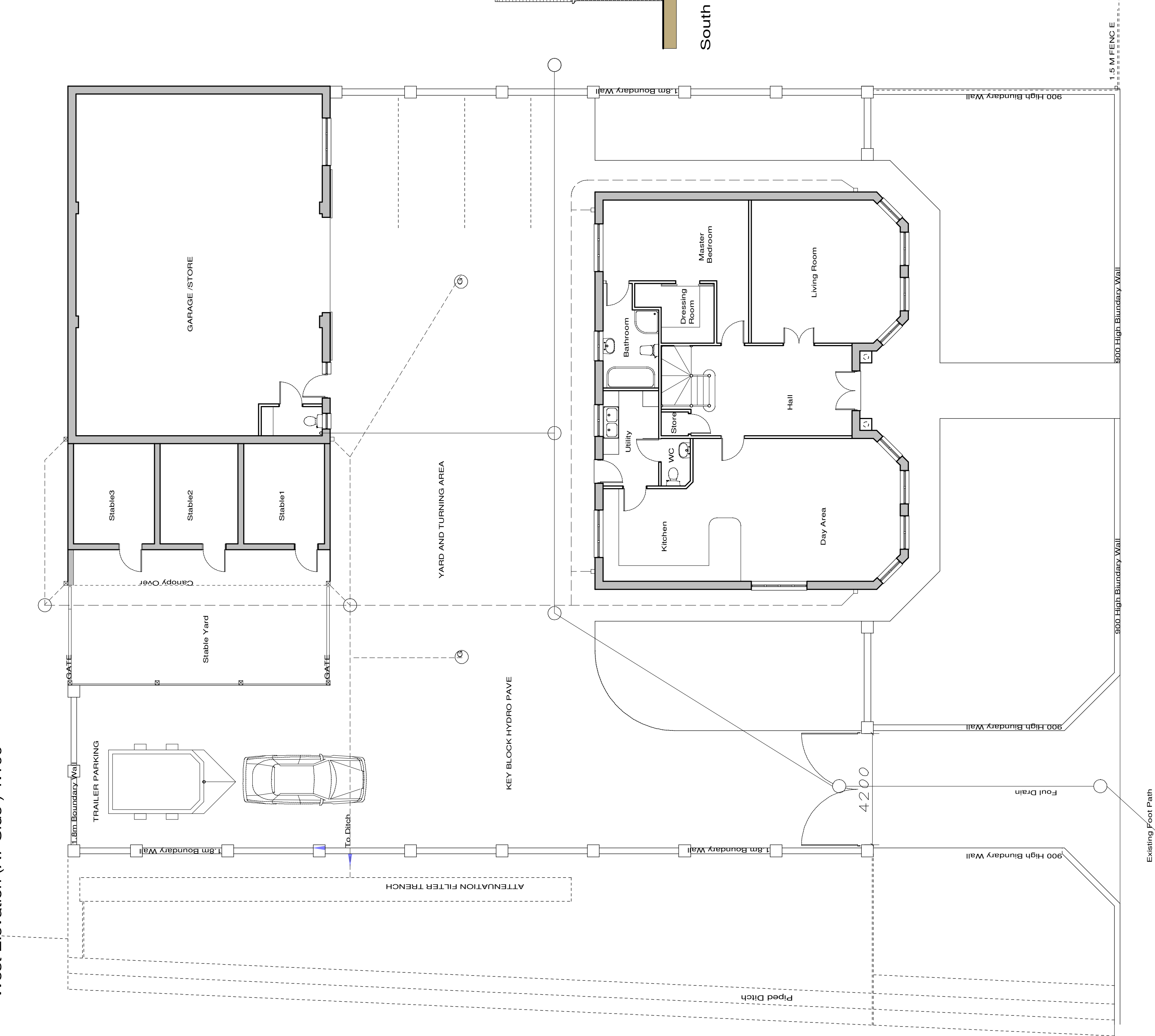
Reason: To reduce the risk of flooding, safeguard local watercourses, avoid pollution of the water environment, and to reduce the likelihood of overloading and pollution of the existing drainage system.



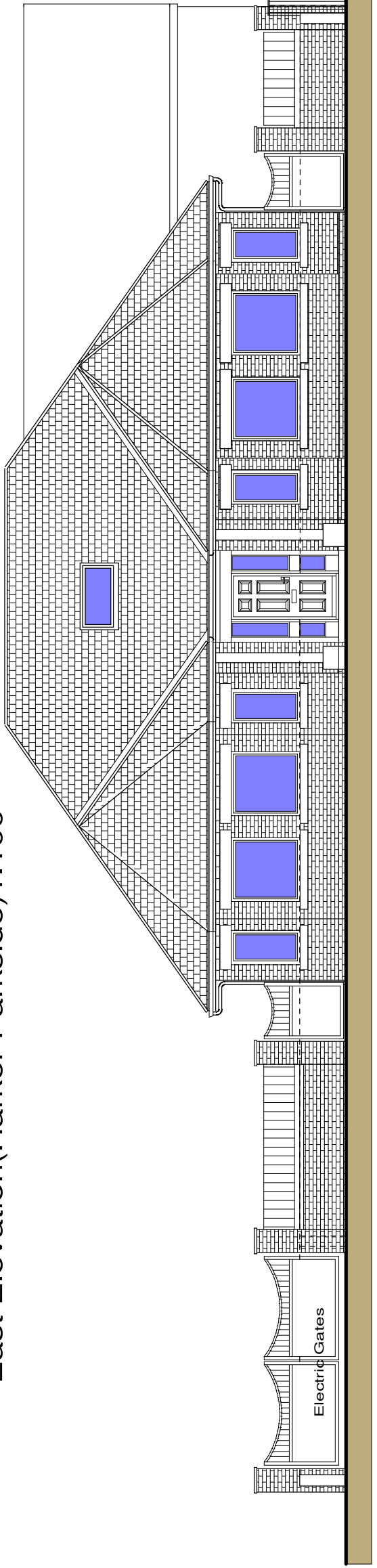
West Elevation (A7 Side) 1.100



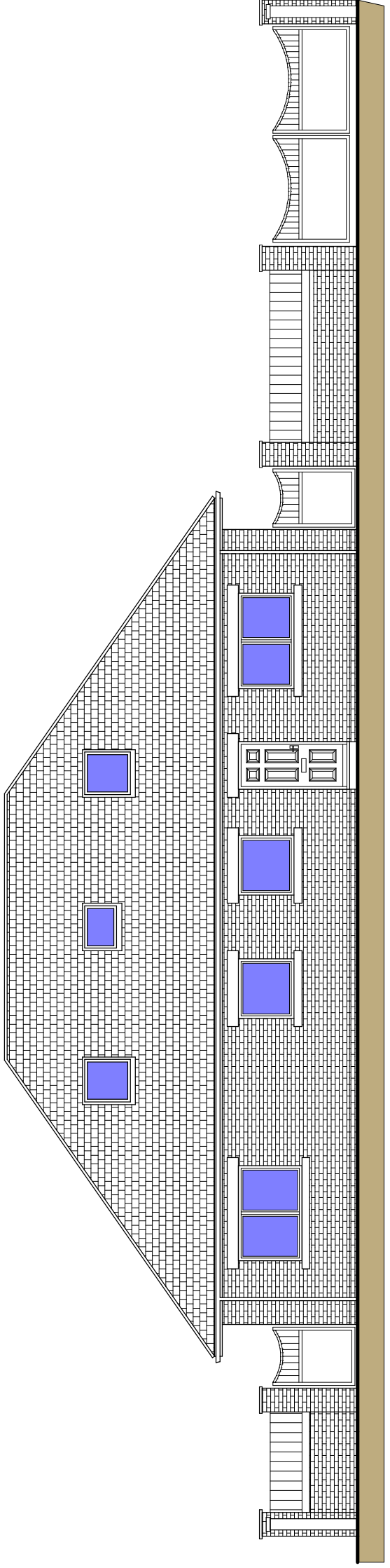
East Elevation(Harker Parkside)1.100



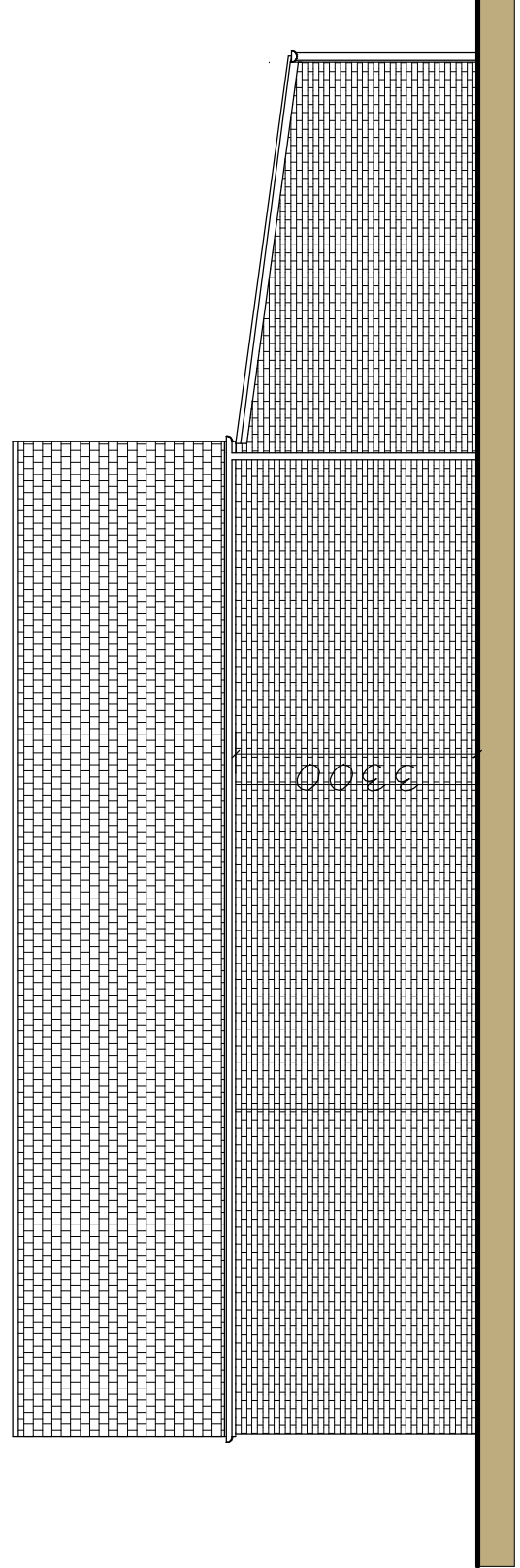
GROUND FLOOR PLAN 1.100



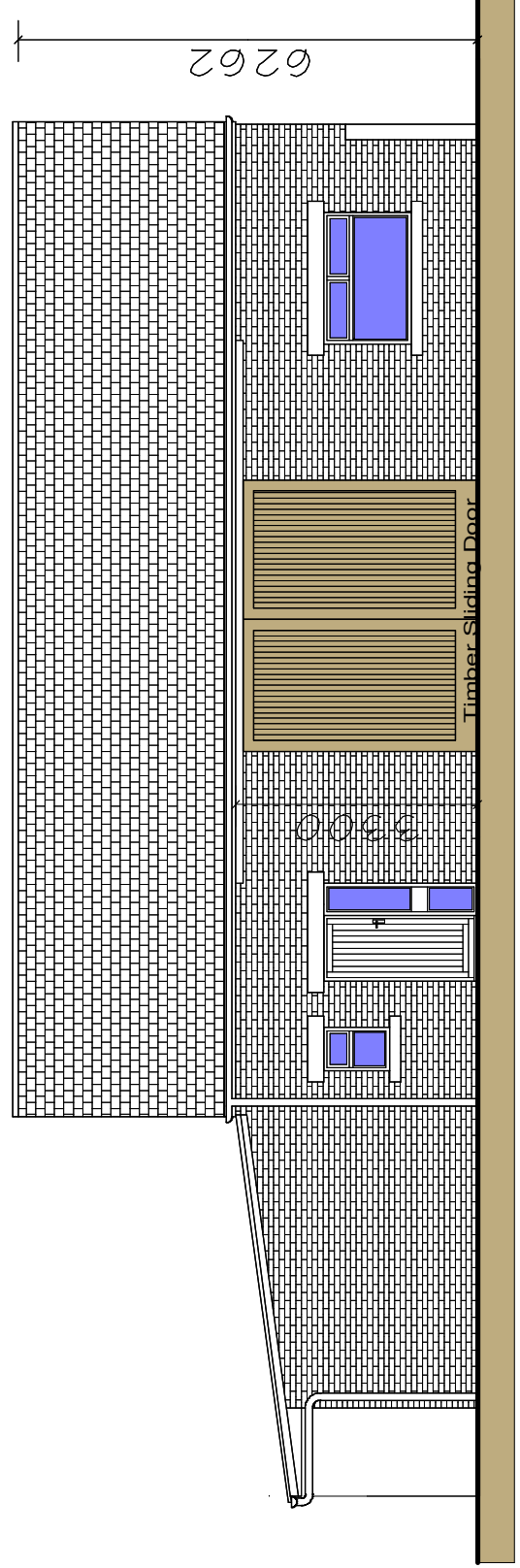
North Elevation (Street Frontage) 1.100



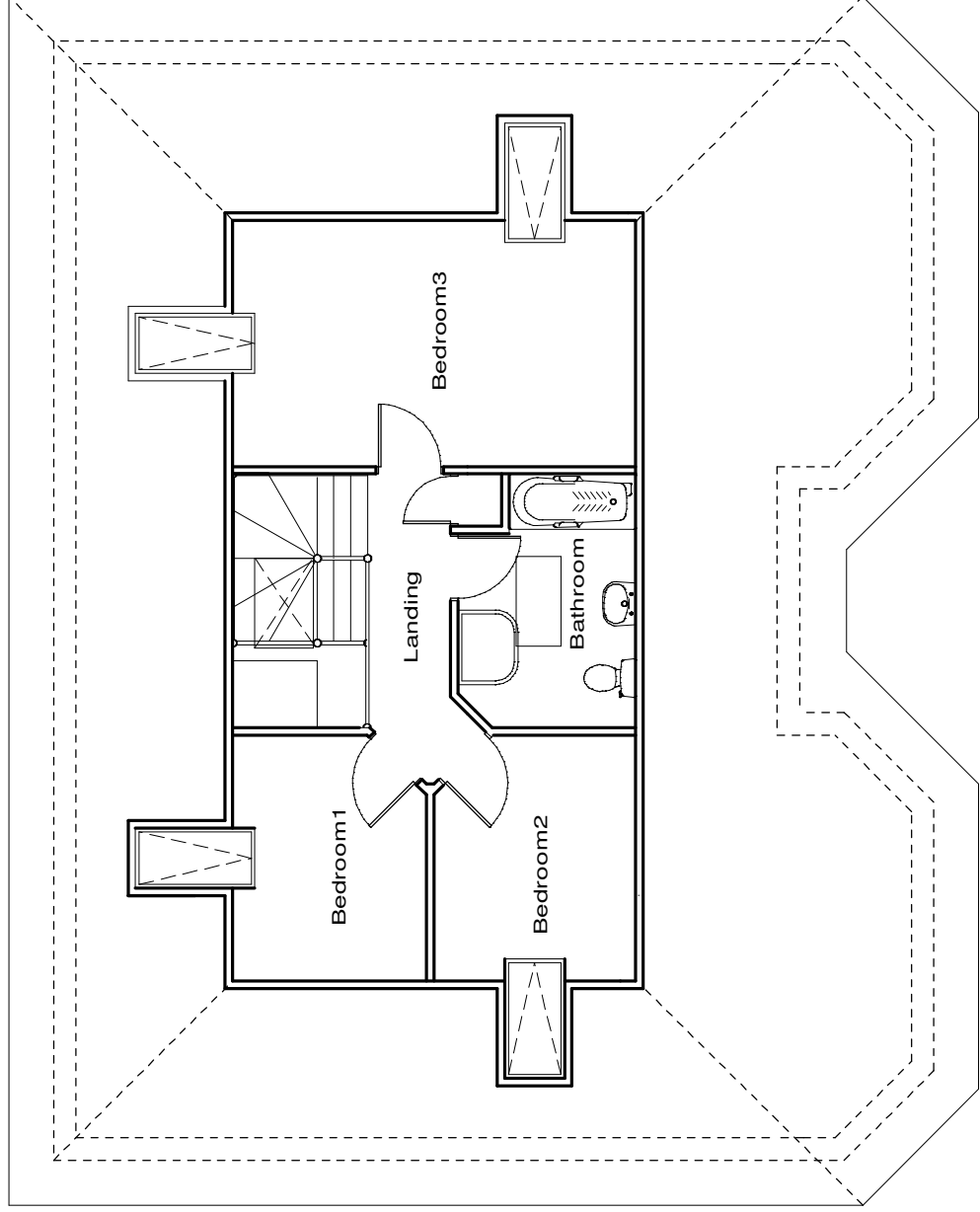
South Elevation (Yard Levation) 1.100



South Elevation (Garage Store And Stables)1.100



North Elevation (Garage Store And Stables)1.100



FIRST FLOOR PLAN 1.50

TSADA BUILDING DESIGN SERVICES

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Job title
Proposed Detached Dwelling With Garage,Stables And Paddock
On Land To North Of Oakwood,Harker,Carlisle

FLOOR PLANS AND ELEVATIONS

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Drawing by		Amendments		Client		Drig No.	
W.R.Faulder				Mr J Stewart C/O Tsada Building Design Services Croft House Newtown Carlisle Cumbria		40/2016.2A	
Date						Scale	
23/9/2016						As Shown @A1	